

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In the Bankruptcy Matter of:

Peter A Renkens

Debtor

Bankruptcy No. 19-27996
Judge A. Benjamin Goldgar (Lake)
Chapter: 13

NOTICE OF MOTION

TO: Peter A Renkens, 719 Cameron Drive, Antioch, IL 60002
Glenn B Stearns, 801 Warrenville Road, Suite 650, Lisle, IL 60532
David M Siegel, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling, IL 60090
Patrick S Layng, Office of the U.S. Trustee, Region 11, 219 S Dearborn St, Room 873, Chicago, IL 60604

Please take notice on May 22, 2020 at 9:30 a.m., I shall appear before the Honorable A. Benjamin Goldgar, in Courtroom B, 301 S. Greenleaf Ave, Park City, IL 60085, and present the attached motion. A party who objects to this motion and wants it called must file a Notice of Objection no later than two (2) business days before the presentment date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion without a hearing before the date of presentment.

/s/ Josephine J. Miceli

Josephine J. Miceli, IL ARDC #6243494

CERTIFICATE OF SERVICE

I, Josephine J. Miceli, an attorney certify that I caused to serve the attached motion by mailing a copy to the Debtor at the address listed above by depositing the same in the U.S. mail, first class, postage prepaid at 633 W. Wisconsin Avenue, Suite 408, Milwaukee, WI 53203 on or before 5:00 p.m. on May 12, 2020. The remaining parties were served by the CM/ECF electronic noticing system.

/s/ Josephine J. Miceli

Josephine J. Miceli, IL ARDC #6243494

Josephine J. Miceli
Johnson, Blumberg, & Associates, LLC
230 W. Monroe Street, Suite 1125
Chicago, Illinois 60606
Ph. 312-541-9710
Fax 312-541-9711

NOTICE:

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES NewRez LLC d/b/a Shellpoint Mortgage Servicing as the servicing agent for Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as owner trustee for Deephaven Residential Mortgage Trust 2019-1 (hereinafter "Movant"), through its attorney, Josephine J. Miceli of Johnson, Blumberg & Associates, LLC, and states as follows:

1. The Movant, a party in interest, holds a Mortgage dated September 26, 2018 on the property located at 719 Cameron Drive, Antioch, Illinois 60002, in the original amount of \$171,500.00. (A copy of the Note, Mortgage, and Assignment of Mortgage are attached as Exhibit A, B, and C respectively and incorporated herein by reference).
2. The above-captioned Chapter 13 case was filed on October 2, 2019 and the Debtor's Plan was confirmed on January 31, 2020.
3. The confirmed plan provides for the Debtor to be the disbursing agent for the post petition mortgage payments and the Chapter 13 Trustee to be disbursing agent for the pre-petition arrears.
4. As of April 22, 2020, the Debtor has failed to maintain post-petition payments thereby accruing a default of 4 payments from January 1, 2020 through April 1, 2020

for a post-petition arrearage total of \$8,686.64. A summary of the post-petition arrearage is as follows:

January 1, 2020 to April 1, 2020, 4 payments at \$2,171.66 each

5. The Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
6. The Movant has no adequate protection in that the Debtor is in material default of the terms of the Plan by not making the required payments to the Movant and there is little or no equity in the property.
7. That should the Debtor wish to reinstate while under the jurisdiction of this Court, Movant requests to be reimbursed for the costs and attorney fees of filing this motion.
8. That Movant is entitled to relief pursuant to 11 U.S.C. 362(d).
9. The Movant requests waiver of 14 day stay provision of Bankruptcy Rule of Procedure 4001(a)(3).

10. NewRez LLC d/b/a Shellpoint Mortgage Servicing as the servicing agent for Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as owner trustee for Deephaven Residential Mortgage Trust 2019-1 reserves the right to foreclose.

WHEREFORE, NewRez LLC d/b/a Shellpoint Mortgage Servicing as the servicing agent for Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as owner trustee for Deephaven Residential Mortgage Trust 2019-1 prays for the entry of an order modifying, annulling or terminating the Automatic Stay instanter to allow foreclosure, eviction, or any other action with respect to the Movant protecting its rights in the subject property as the Court deems appropriate and for such other relief as the Court deems just.

/s/ Josephine J. Miceli

Josephine J. Miceli, ARDC #6243494
Attorney for NewRez LLC d/b/a Shellpoint
Mortgage Servicing as the servicing agent for
Wilmington Savings Fund Society, FSB, not in its
individual capacity but solely as owner trustee for
Deephaven Residential Mortgage Trust 2019-1

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